

## Re-claims

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### Introduction

Universal Credit is an in and out of work benefit to encourage claimants to move into employment and increase their earnings.

Re-claims provides a simple route back onto Universal Credit for claimants who have a short break in entitlement, for example, entering temporary work.

The aim of re-claims is to:

- make it easier for claimants to re-claim Universal Credit so they are encouraged to increase their earnings on a long-term or temporary basis
- ensure that claimants receive payments of Universal Credit quickly
- ensure that those claimants whose job has ended re-claim Universal Credit as quickly as possible in an effort to reduce periods of unemployment
- reduce the Department's administrative costs for processing new Universal Credit claims

Re-claims will allow most claimants who return to Universal Credit within six assessment periods of their previous award ending, to retain their previous Universal Credit assessment period and payment dates, as long as they continue to meet the basic conditions of entitlement.

### Eligibility

To be eligible for a re-claim a claimant must have been assessed as eligible for Universal Credit for the assessment period before their claim was closed.

They must also have continued to meet the following basic conditions for the 6 months before they reclaim. The claimant must:

- be at least 18 years old unless an exception applies
- be under 18 when they originally claimed and were entitled due to an exception and be under 18 when they re-claim and still be entitled due to an exception. See Under 18s.

- not have reached the qualifying age for State Pension, unless where they are part of a mixed age couple
- be in Great Britain (or still entitled to Universal Credit whilst temporarily absent)
- not have been receiving full-time education (unless an exception applies, see Under 18s)

and have not have been:

- a member of a religious order who is fully maintained by their order
- a prisoner
- serving a sentence of imprisonment detained in hospital

If a claimant does not meet the basic eligibility conditions for Universal Credit they will not be entitled to a re-claim.

Also see Additional amounts for children for information on re-claims for claimants with children.

### **Re-claims period**

The re-claims period begins from the first day the claimant is not entitled to Universal Credit up to six assessment periods from this date.

### **Claimant action**

A claimant can re-claim Universal Credit within six assessment periods of their claim closing (from the beginning of the first assessment period where the award was reduced to nil) without having to make a full claim. However, if they have had a change of circumstances, where a new partner joins their household, they will be required to declare and verify their information.

Claimants will be informed of the re-claim period through their online journal when their claim is closed. This includes information that claimants must make a claim within seven days of their job ending, if they return to Universal Credit.

It is the claimant's responsibility to make a re-claim through their existing Universal Credit account.

If a Universal Credit claimant qualifies for a re-claim, they will:

- have to make a Universal Credit re-claim once their circumstances change (the claim will not automatically go back into payment if their earnings decrease)
- only need to tell Universal Credit about anything that has changed since their last claim, as the department already holds details from their previous Universal Credit award
- retain their previous Universal Credit assessment period and payment dates

- have to take part in a First Commitment meeting
- have to agree a Claimant Commitment
- receive a payment of Universal Credit for the whole of the assessment period in which they made the new Universal Credit claim (for exceptions see 'Claim made outside seven days' below)
- not have to attend an Initial Evidence Interview

## **Re-claims from couples**

If a claimant who meets the re-claim criteria, then forms a couple with an existing Universal Credit claimant and re-qualifies for Universal Credit, they qualify for a re-claim.

This applies even if the new member of the couple doesn't meet the basic entitlement conditions at the start of the assessment period (before joining the benefit unit), but both members meet these conditions at the end of their assessment period.

For example, if an existing claimant formed a couple with a 17 year old who turned 18 during the first assessment period, they would be able to claim as a couple for the whole assessment period.

Previous Universal Credit claimants who have separated from their partner since they were last entitled to Universal Credit will also qualify for a re-claim as a single person, as long as they are entitled to Universal Credit.

## **Claim made within seven days of job ending**

When a claimant makes a re-claim for Universal Credit because their job has ended and the claim is made within seven calendar days of their job ending, they will be paid for the whole assessment period during which they made their re-claim.

If a claimant receives earnings within the first assessment period of their re-claim, for example final wages, these will be taken into account. If the earnings result in a nil award of Universal Credit at the end of the assessment period, the claim will be closed and the claimant will be required to make another re-claim, if eligible.

## **Claim made outside seven days of job ending**

When a claimant does not make a claim within seven calendar days of their job ending a referral to a decision maker will be required. The claimant will have to show good reason for not claiming within seven days.

Even if the claimant cannot show good reason they will still:

- need to make a re-claim to Universal Credit

- only need to provide updated information, as the Department would already hold their personal details for their previous Universal Credit award
- retain their previous Universal Credit assessment period
- have to agree and accept a Claimant Commitment

However, the claimant will not receive a payment of Universal Credit for the whole assessment period in which they made the new Universal Credit claim. If eligible, they will receive a payment of Universal Credit only from the date they made the Universal Credit claim to the end of that assessment period. This is known as apportionment.

If the payment of Universal Credit is apportioned:

- sanctions (if any) are applied to the number of days in the assessment period the claimant is paid for
- the Benefit Cap (if the claimant is subject to it) will be applied to the whole of the assessment period not just the apportioned section
- any earnings or unearned income received during the assessment period will also be apportioned

The seven day limit only applies to the job that they have left immediately prior to making the Universal Credit claim.

A claimant may return to Universal Credit because one of two part-time jobs has ended and the second part-time job also ceases in the same assessment period. In these circumstances the claimant will only have to report the loss of their first part-time job (for example, the one that caused the return to Universal Credit) within seven days, for the award not to be apportioned.

### **LCW / LCWRA on reclaim**

Where a claimant's level of income or earnings increases so that it exceeds their Universal Credit entitlement, their claim is closed. Where that claimant had been determined as having limited capability for work (LCW) or limited capability for work and work related activity (LCWRA), and becomes entitled again to Universal Credit within 6 months of the previous claim ending, that determination remains valid providing:

- there has been no change in the claimant's health condition or disability;  
and
- the date set for a review WCA has not passed

Where both these conditions are met, any additional amount for having LCW and LCWRA that was in payment at the time the Universal Credit award ended, can be paid straight away.

## **Dual claims**

Where there is a reclaim to Universal Credit and a new claim to New Style ESA the LCW /LCWRA determination applies to both claims. ESA do not require fit notes or start WCA action as Universal Credit is the lead benefit.

## **Opt-out**

Claimants cannot opt out of the re-claim process. All claimants will be subject to a re-claim if they return to Universal Credit within six assessment periods of their entitlement ending.

## **Re-claims and Advances**

When a claimant returns to Universal Credit through the re-claim process they will be able to apply for a new claim advance.